In the High Court of Uttaranchal, at Nainaital.

Criminal Misc. Application No. 544/2006

1- Smt. Rashmi W/o Ashok Kumar Gupta

2- Ashok Kumar Gupta S/o Hari Shankar Gupta
Both R/o Mohalla Gujratiyan, Jaspur
Tehsil Jaspur, District
Udham Singh Nagar ..... Applicants.

Versus

1- State of Uttaranchal
through Home Secretary, Dehradun.

2- Satish Kumar S/o late Chunni Lal
R/o Mohalla Katra Maaliyan
Thana Kashipur,
District U.S. Nagar ... Respondents.

Sri Jitendra Chaudhary, learned counsel for the applicants.
Sri Nandan Arya, learned A.G.A. for the State.

Hon'ble B.C. Kandpal, J.

This petition U/S 482 Cr.P.C. has been filed by the petitioners, who are the accused in case crime No. 1577/2006, U/Ss 336/376 I.P.C., for quashing of the proceedings in Criminal Case No. 238 of 2006, U/Ss 366/376 I.P.C., pending before Additional C.J.M., Kashipur, District Udham Singh Nagar.

2. Brief facts of the case are that the first information report U/Ss 366/376 I.P.C. was registered on the report of Satish Kumar, the father of the girl. The police investigated the matter and submitted charge sheet against the accused persons including the petitioners before this Court.

3- Heard learned counsel for the petitioners, learned A.G.A. and perused the record.

4- The allegations made in the F.I.R. and the material collected during the investigation are referred to in the charge sheet and it prima facie make out the case against the petitioners. Hence I do not find any justification for quashing the proceedings of the case crime pending against the petitioners. I am not supposed to pre-judge the police papers and the discrepancies therein. I am also not supposed to embark upon an enquiry with regard to the credibility of the evidence which is still incomplete and hazy and yet to be collected by the Trial Judge.

5- The petition lacks merit and is liable to be dismissed.

6- Accordingly the petition is dismissed.

(B.C. Kandpal, J.)

Dated: 17-07-2006
ISB